



**STATE OF COLORADO}**

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**COUNTY OF ELBERT }**

At a regular meeting of the Board of County Commissioners for Elbert County, State of Colorado, held at the Courthouse in Kiowa on Wednesday, the 26<sup>th</sup> day of October A.D. 2011, there were present:

**Del Schwab  
John Shipper  
Kurt Schlegel**

**Commissioner Chairman  
Commissioner Vice Chairman  
Commissioner**

**Doni Trenkle**

**Deputy, Clerk to the Board**

When the following proceedings, among others, were had and done, to wit:

**APPROVE**  
**Resolution //-31**

**APPROVAL OF AN AMMENDMENT TO THE ELBERT COUNTY ZONING  
REGULATIONS PROVIDING TWELVE [12] CRITERIA FOR SECOND  
RESIDENCES**

**WHEREAS**, the Elbert County Community and Development Services has submitted information for a proposed Amendment to the Elbert County Zoning Regulations for Second Residences, and

**WHEREAS**, the information was presented to the Elbert County Planning Commission in Workshop on April 28, 2011, and June 23, 2011 and

**WHEREAS**, on September 29, 2011, the Planning Commission held a public hearing on the amendment to the Elbert County Zoning Regulations; and

**WHEREAS**, the Elbert County Planning Commission is forwarding a recommendation for approval of the proposed amendment to the Elbert County Zoning Regulations for consideration by the Board of County Commissioners; and

**WHEREAS**, on October 26, 2011, the Board of County Commissioners held a public hearing on the proposed amendment to the Elbert County Zoning Regulations; and

**WHEREAS**, the Board of County Commissioners, having found that this hearing was properly noticed, and having reviewed the recommendations of the Planning Commission and having reviewed the documentation supplied by and recommendations of Elbert County Community and Development Services, and



listened to the presentation by Elbert County Community and Development Services, and having listened to all public comment, and being fully advised in the premise.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS FOR THE COUNTY OF ELBERT** as follows:

- a. That the Board of County Commissioners hereby approves and adopts an amendment to the Zoning Regulations of Elbert County, as specifically set forth herein, **PROVIDING TWELVE [12] CRITERIA FOR SECOND RESIDENCES** as recommended for approval by the Elbert County Planning Commission and as presented by Elbert County Community and Development Services during this October 26, 2011 public hearing.

- b. That the following parts of Sections 5, 6, 7, and 8 be deleted:

~~Part II, Section 5: AR – AGRICULTURE RESIDENTIAL C, 20 – The second residence may either be separate from or a part of the primary residence but must utilize a central water system available to the site.~~

~~PART II, Section 6: RA-1 – RESIDENTIAL AGRICULTURE-ONE C, 13 – The second residence may either be separate from or a part of the primary residence, but must utilize a central water system available to the site.~~

~~Part II, Section 7: RA-2 – RESIDENTIAL AGRICULTURE-TWO C, 11 – A second residence, only as a part of the primary residence, may be approved, provided central sewer and water are utilized.~~

~~Part II, Section 8: R-1 – RESIDENTIAL ONE C, 11 – A second residence, only as a part of the primary residence may be approved, provided central sewer and water are utilized.~~

- c. That Part II, Section 18: **USES PERMITTED BY SPECIAL REVIEW, A, 45** of the Elbert County Zoning Regulations shall be amended to delete the current language and replace it with following **TWELVE, [12] CRITERIA FOR A SECOND RESIDENCE**:

1. One second residence shall be considered a Use by Right on parcels greater than 35 acres.
2. One second residence shall be considered for approval by Special Use Review on parcels greater than 20 acres and less than 35 acres.

3. A Second Residence as a separate structure shall not be allowed on parcels less than 20 acres.
4. Growth Impact and TAZ fees shall apply for a Second residence
5. A separate driveway may be permitted.
6. All structures must conform to all setback, height, and lot / parcel coverage restrictions and any other standards or regulations required of a primary structure.
7. It shall be the responsibility of the Owner of the primary residential unit, to not exceed use of the water as permitted by the Colorado Division of Water Resources.
8. Elbert County Environmental Health must sign off on the adequacy of the septic / sewage disposal system.
9. A second residence shall not be sold to a separate party without becoming part of an approved subdivision.
10. An address must be obtained from the Elbert County Mapper.
11. A letter / evidence must be provided acknowledging that the local Fire Protection District is aware of the residence.
12. Home businesses shall be allowed, subject to existing regulations.

Upon a motion duly made and seconded, the foregoing resolution was adopted by the following vote:

Del Schwab Aye  
DEL SCHWAB, CHAIRMAN

John Shipper Aye  
JOHN SHIPPER, VICE CHAIRMAN

Kurt Schlegel Aye  
KURT SCHLEGEL, COMMISSIONER

ATTEST: DIANA HARTSOUGH  
COUNTY CLERK

BY: Dani Treable  
Deputy, Clerk to the Board